

2013 Trafficking in Persons Report

Zambia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Most trafficking occurred within the country's borders and involved women and children from rural areas exploited in cities in domestic servitude or other types of forced labor in the agriculture, textile, mining, and construction sectors, as well as in small businesses such as bakeries. Zambian children may be forced by *jerabo* gangs, who work in the illegal mining sector, to load stolen copper ore onto trucks in the Copperbelt Province. Children are also recruited and transported from villages, brought to cities, and made to serve as guides for groups of blind beggars. While orphans and street children are the most vulnerable, children of affluent village families are also vulnerable to trafficking because sending children to the city for work is perceived to confer status. Zambian boys and girls are recruited into prostitution by women formerly engaged in prostitution. Zambian boys are taken to Zimbabwe for prostitution, and women and girls are exploited in forced prostitution by truck drivers in towns along the Zimbabwean border. Zambian victims of sex trafficking were identified in the United States and South Africa.

In 2012, Zambia continued to be a transit and destination country for many nationalities. Women and children from Malawi and Mozambique are forced into labor or prostitution after arriving in Zambia. Chinese, Indian, and Lebanese nationals are exploited in forced labor in textile factories and bakeries. Chinese and Indian men are recruited to work in Chinese-owned mines in Zambia's Copperbelt Province, where they are reportedly kept in conditions of forced labor by mining companies. In 2012, victims from China, Zimbabwe, the Democratic Republic of the Congo (DRC), Tanzania, Uganda, and South Africa were also identified in Zambia. The transnational labor trafficking of Indians and Bangladeshis through Zambia for use in construction in South Africa continued and was linked to criminal groups based there. Congolese and Somali nationals, including children, are also smuggled through Zambia; some may become victims of trafficking upon reaching South Africa.

The Government of Zambia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government initiated prosecution of five suspected trafficking offenders and continued institutional training which reached 119 officials. It doubled its anti-trafficking budget to the equivalent of approximately \$72,000, tripled the number of labor inspectors, revised police intake forms to include human trafficking, and convened a long-awaited national committee on human trafficking. The government completed shelter upgrades and provided counseling, paralegal assistance, and regularization of immigration status for victims. It developed a national referral mechanism, finalized guidelines for the protection of trafficking victims, and is piloting a counter-trafficking manual for prosecutors which should be in effect this year. In addition, the government reported its conviction of an offender in a potential trafficking case. Although the Zambian government revoked the licenses and took control of a Chinese-owned mine for violations of safety and other statutory regulations, it failed to criminally investigate or prosecute companies responsible for forced labor in the mining and agricultural sectors. The failure to seriously address internal trafficking—including forced labor in the mining and agricultural sectors, child prostitution, and domestic servitude—stymied anti-trafficking progress in the country.

Recommendations for Zambia: Implement the 2008 anti-trafficking act by ensuring the use of a broad definition of human trafficking that does not rely on evidence of movement but rather focuses on exploitation, consistent with the 2000 UN TIP Protocol; amend the trafficking law so that force,

fraud, or coercion are not required for cases involving children under the age of 18 to be considered sex trafficking crimes; investigate and prosecute internal trafficking cases, including forced child labor and forced labor in the mining and agricultural sectors; continue to train police, immigration officials, prosecutors, and judges on investigating and prosecuting trafficking crimes; differentiate the process of victim identification from the prosecution of cases, delinking the identification and protection of trafficking victims from the successful prosecution of a trafficker; develop bilateral cooperation agreements with additional governments in the region, including the DRC and South Africa; formalize and implement victim identification and referral procedures; screen children accused of crimes for evidence of coercion by traffickers; continue to improve government services for trafficking victims through the establishment of additional shelters; begin use of the new database to compile information on human trafficking cases and trends for use by all stakeholders; and continue to conduct public awareness campaigns.

Prosecution

The Government of Zambia maintained anti-trafficking law enforcement efforts, initiating five prosecutions during the reporting period and obtaining one conviction of a trafficking offender. Although the anti-trafficking act of 2008 criminalizes some forms of human trafficking, it requires the use of threat, force, intimidation, or other forms of coercion for a child to be considered a sex trafficking victim. The act prescribes penalties ranging from 20 years' to life imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The government investigated approximately 14 potential trafficking cases and initiated the prosecution of five trafficking suspects; four of these prosecutions remained ongoing at the close of the reporting period. The status of three cases pending at the close of the previous reporting period was unknown. In August 2012, the government sentenced a convicted offender under the anti-trafficking act to 25 years' imprisonment for her role in transporting a child to the DRC for the purposes of exploitation. In September 2012, the Lusaka Magistrate's Court began hearing a potential trafficking case involving a Turkish man charged with aiding the commission of a trafficking crime; the suspect promised five Syrian men employment in the Netherlands but instead brought them to Zambia and, at times, withheld their passports. Two additional cases under prosecution involved women and girls from neighboring countries brought to Zambia for domestic servitude and sexual exploitation, with the remaining two prosecutions involving Zambian children intercepted *en route* to South Africa or Europe for similar purposes.

The government failed to dedicate adequate attention to internal trafficking cases, including Zambian children in prostitution and domestic servitude, as well as forced labor in the mining and agricultural sectors. As in 2011, the government investigated only one potential case of internal trafficking in 2012, in which authorities arrested *jerabo* miners for forcing children with threats of beatings or death to load trucks with copper ore from an illegal mining site. Following a police investigation, authorities concluded that the teenage children who were the subject of the investigation were not trafficking victims but instead were likely complicit in illegal mining activities. However, criminal investigations of children for either labor offenses or cases in which victims were not moved across borders were rare; the Ministry of Labor and Social Security (MLSS) Child Labor Unit cited mediation with parents as the usual process for handling child labor cases. Despite revoking the licenses of a Chinese-owned mine for safety and other violations, the government failed to criminally investigate or prosecute companies responsible for labor trafficking in the mining and agricultural sectors.

With the assistance of a donor-funded program, the government completed development of a database to track trafficking case data in July 2012; in order to facilitate the accurate collection of such data, Zambian police intake forms were revised for the first time since 1972 to include human trafficking and gender-based violence and were distributed to all police stations in Zambia. Specific anti-trafficking training is included in all law enforcement courses at the police training academy covering the 2008 anti-trafficking act, investigation techniques, identification of victims, and protection of victims and witnesses; during the year, new immigration officials attended this training for the first time. Building on a foreign donor-funded training-of-trainers program, Zambian officials led trainings for 109 law enforcement officers. The government increased its partnerships in the region, concluding an anti-trafficking memorandum of understanding (MOU) with Zimbabwe and Botswana, and anticipated signing MOUs with the DRC, Malawi, and Mozambique in 2013. In 2012 the government doubled its anti-trafficking budget to the equivalent of approximately \$72,000, which included allocation of trafficking-specific funding to the Zambia Police Service's Victims Support Unit (VSU) for training and raising awareness.

Protection

The government increased its capacity to provide victim protection during the reporting period through the completion of upgrades to one shelter and the development of guidelines for victim protection. It continued, however, to rely on international organizations and local NGOs to provide the majority of victim care, without affording any direct financial assistance to such entities. During the year, officials identified at least 32 potential victims. IOM assisted 11 victims, the majority of whom were referred by officials; government officials provided routine assistance in these cases, including counseling, court preparation, or regularization of immigration status for victims. For example, the Ministry of Community Development, Mother and Child Health (MCDMCH) provided counseling to eight victims and drew on existing social assistance programs to assist four children. Officials encouraged victims to assist in the investigation and prosecution of traffickers; during the year, the government, through its VSU, provided paralegal assistance to at least six. The government provided some direct services, including medical care and counseling, to an unknown number of trafficking victims through both the government-run university teaching hospital in Lusaka and NGO-run community response centers, which were staffed by VSU officials. The government offered legal alternatives to the removal of victims to countries where they may face hardship or retribution; during the year, Zambia immigration authorities issued renewable temporary residency permits to at least two victims. The government partnered with IOM to repatriate three victims; Zambia immigration provided exit permits and social welfare staff in coordination with officials in countries of origin to ensure continued protection for such victims.

The government continued to increase the availability of shelter options for victims by completing repairs to a shelter in Luapula Province, operated by the MCDMCH, which now has the capacity to provide counseling and rehabilitative services to 40 victims at a time. The government provided land, infrastructure, and staff to the center, while the UN Joint Program on Human Trafficking (UNJPHT) supported the renovation of buildings. While the shelter staff is currently in place, unanticipated infrastructure issues have delayed the opening of the shelter to victims. NGO shelters currently do not provide accommodation for male victims over the age of 14; they are accommodated only on an *ad hoc* basis and are sometimes jailed alongside their traffickers for months at a time. Nonetheless, during the year, a joint MCDMCH-NGO shelter acquired land rights for the construction of a third shelter that will accommodate male victims.

Following consultation with 60 stakeholders the government, in partnership with the UNJPHT, launched the Minimum Standard Guidelines on Protection of Victims of Trafficking in October 2012; the guidelines establish the minimum care provisions to be provided to victims in line with the anti-trafficking act. The government distributed the manual in all provinces by early 2013 and trained 148 service providers, including social welfare and immigration officials, on its provisions. In 2012, the government also finalized its national referral mechanism. The implementation of the formal procedures for victim identification, however, remains lacking. With inadequate shelter space, the government may have arrested, jailed, and penalized victims for unlawful acts committed as a direct result of being trafficked, including children accused of crimes.

Prevention

The Zambian government maintained its strong efforts to prevent trafficking during the reporting period. It continued implementation of its 2012-2015 national action plan to combat trafficking, which was finalized in March 2012. The government's efforts are coordinated through the national secretariat, which met weekly in 2012, and the national committee, a higher-level policy-making body; in March 2013, the deputy minister of home affairs inaugurated the national committee, whose formation was mandated by the 2008 anti-trafficking act. In August 2012, the government co-hosted with UNJPHT its third annual national symposium, which was attended by over 100 representatives from government and civil society. Also through the UNJPHT, the government continued strong partnerships with IOM, the ILO, and UNICEF, which enabled the launch of targeted prevention activities during the year, including the "Break the Chain of Human Trafficking" campaign that brought trafficking awareness to urban centers and rural areas.

During the year, MLSS increased its number of labor officers from 13 to 48 but did not provide them with training on trafficking. MLSS failed to develop a systematic means to monitor and investigate agencies allegedly responsible for fraudulent recruitment. MLSS-sponsored district-level labor networks—comprised of labor, immigration, police, and social welfare officers—conducted awareness campaigns, tracked information on cases of labor trafficking, and referred victims to services. In February 2013, the government revoked the mining licenses and seized control of a Chinese-owned mine after several years of safety concerns, accidents, and assaults on workers by management. However, large companies and foreign governments reportedly exerted influence over Zambian officials when labor exploitation was alleged. In September 2012, two Chinese labor trafficking victims working at a Chinese-owned agricultural firm reported exploitation, including nonpayment of wages, passport confiscation, and confinement, to a labor officer; although the deputy ministers of labor and social security and foreign affairs advocated for the payment of salary in arrears and return of immigration documentation, the government failed to criminally investigate or prosecute the alleged perpetrators. The workers were ultimately fired and returned to China.

The government did not make efforts to reduce the demand for commercial sex acts during the reporting period. In 2012, the government failed to provide anti-trafficking training to Zambian troops prior to their deployment abroad on international peacekeeping missions.